

12-1. Inspections and Subpoenas (1200 TN 350 12-1)**1. AUTHORITY.** Pursuant to the Toxic Substances Control Act, including Section 11:

- a. To inspect any establishment, facility, or other premises in which chemical substances, mixtures, or articles containing chemical substances or mixtures, are manufactured, processed, stored, or held before or after their distribution in commerce, and any conveyance being used to transport chemical substances, mixtures, or such articles in connection with distribution in commerce.
- b. To obtain and execute warrants for the purpose of performing inspections and conducting information gathering.
- c. To carry out any other inspection and information gathering activities authorized by the TSCA.
- d. To require the carrying out of any other inspection and information gathering activities authorized by the TSCA.
- e. To require by subpoena the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information.
- f. To designate representatives of the Administrator to perform the functions in paragraphs 1.a, 1.b, 1.c, 1.d, and 1.e.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a.-1.f. are delegated to the director, Land and Chemicals Division (LCD); associate director, Office of Toxics and Pesticides (LCD); and director, Office of Enforcement, Compliance and Environmental Justice (OECEJ).
- b. The authorities in 1.a., 1.c., 1.d., and 1.f., are delegated to the chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

- a. The OECEJ delegates may exercise these authorities only in multi-media cases, or when conducting an inspection at the request of LCD.
- b. The delegatee must obtain concurrence with the regional counsel prior to exercising the authorities in paragraphs 1.b. and 1.e., above.

4. REDELEGATION AUTHORITY.


- a. The authority in 1.a, 1.b, 1.c and 1.e. may be redelegated to the staff level.
- b. The authority in 1.d. and 1.f. may be redelegated to the branch chief level and no further.

- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
- d. This authority may not be redelegated without formal amendment.

5. **ADDITIONAL REFERENCES.**

- a. Sections 11(a)-(c) of the TSCA.
 - b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."
6. **SUPERSESSION.** Delegations Manual, TSCA, Regional Delegation 12-1. Inspections and Subpoenas, 1200 TN RIII-147, (August 26, 2002).

Date 1/18/2017


Shawn M. Garvin
Regional Administrator